

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2019-22

PLAN COMMISSIONER DOCKET # PC-R-19-09

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA  
COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN  
REAL ESTATE IN WARRICK COUNTY, INDIANA

**BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK  
COUNTY, INDIANA:**

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the "A" Agricultural District, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 6 South, Range 9 West, Warrick County, State of Indiana, described as follows

Starting Three Hundred Twenty (320) feet West of the Southeast corner of said quarter-quarter section, thence running West One Hundred Forty-five (145) feet, thence running North Four Hundred Ninety-two and Two Tenths (492.2) feet, thence running East One Hundred Forty-five (145) feet; thence running South Four Hundred Ninety-two and Two Tenths (492.2) feet to the place of beginning.

LESS AND EXCEPT from the above parcel that portion conveyed by Vivian Spooner to the State of Indiana by Warranty Deed recorded September 20, 2002 as Document No 2002R-013280 and that portion conveyed by Paul Homan, Jr. to the State of Indiana by a Warranty Deed recorded January 26, 2009 as Document No. 2009R-000742 in the office of the Recorder of Warrick County, Indiana.

which real estate is now zoned and classified as part of the A (Agricultural) District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said A (Agricultural) District to said C-1 (Neighborhood Commercial) District.

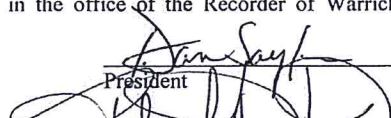
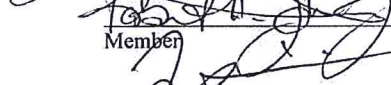
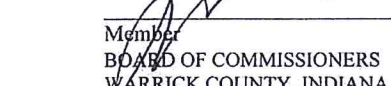
Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

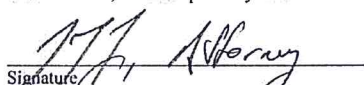
Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

ATTEST:

  
County Auditor  
10/14/19  
Date Approved

  
President  
  
Member  
  
Member  
BOARD OF COMMISSIONERS  
WARRICK COUNTY, INDIANA

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

  
Signature

James F. Gentry, Jr.  
Printed Name

This document prepared by James F. Gentry, Jr.

## USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Paul Homan, Jr., Petitioner, is the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 7322 Oak Grove Road, Newburgh, Indiana 47630, which real estate is more particularly described as follows, to wit:

Part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 6 South, Range 9 West, Warrick County, State of Indiana, described as follows

Starting Three Hundred Twenty (320) feet West of the Southeast corner of said quarter-quarter section, thence running West One Hundred Forty-five (145) feet, thence running North Four Hundred Ninety-two and Two Tenths (492.2) feet, thence running East One Hundred Forty-five (145) feet; thence running South Four Hundred Ninety-two and Two Tenths (492.2) feet to the place of beginning.

LESS AND EXCEPT from the above parcel that portion conveyed by Vivian Spooner to the State of Indiana by Warranty Deed recorded September 20, 2002 as Document No 2002R-013280 and that portion conveyed by Paul Homan, Jr. to the State of Indiana by a Warranty Deed recorded January 26, 2009 as Document No. 2009R-000742 in the office of the Recorder of Warrick County, Indiana.

WHEREAS, as the real estate is currently classified as a A (Agricultural) Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-1 (Neighborhood Commercial); and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to exclude the following uses:
  - Broadcasting offices and studios;
  - Commercial Child Care Centers;
  - Clothing service uses including dry cleaner and laundry receiving station, Laundromats, dress making, milliner, tailoring and shoe repair shops.
  - Residential uses permitted in Districts R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A and R-2B.
2. Use of the Real Estate shall be limited to the following development requirements:
  - None.
3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF this Use and Development Commitment is hereby  
made and entered into this 8<sup>th</sup> day of August, 2019 by  
Paul Homan, Jr. for the purpose set forth herein.

[Signature]  
Signature

STATE OF Oklahoma )  
 ) SS:  
COUNTY OF Tulsa )

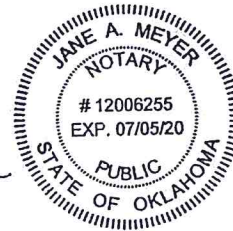
Before me, the undersigned, a Notary Public and for said County and State,  
personally appeared the within named Paul Homan, Jr. who acknowledged the  
execution of the foregoing Use and Development commitment to be his free voluntary act  
and deed.

WITNESS my hand and Notarial Seal this 8<sup>th</sup> day of August, 2019.

NOTARY PUBLIC

(Signed) Jane A. Meyer  
(Printed) Jane A. Meyer

A resident of Tulsa County, Oklahoma  
My commission expires: 07/05/2020



This instrument prepared by: (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(Phone) \_\_\_\_\_

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Paul Homan, Jr. for the purpose set forth herein.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF WARRICK )  
Signature \_\_\_\_\_

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named Paul Homan, Jr. who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC

(Signed) \_\_\_\_\_

(Printed) \_\_\_\_\_

A resident of \_\_\_\_\_ County, Indiana.

My commission expires: \_\_\_\_\_

This instrument prepared by: (Name) James E. Gentry, Jr. / JEG  
(Address) 3101 N. Green River Rd., STE 110,  
(Phone) 812-422-6213

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